



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-320A

Kim Glazier, Executive Director
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

August 14, 2018

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take in case 3.008.19. After the applicant's NCLEX-RN exam results were cancelled because the applicant was observed in the testing center with writing on his/her hand, the Applicant submitted a NCLEX-RN rewrite application, which the Board denied for 2 years. *See* AG Opinion 2018-59A. On March 2, 2018, the applicant requested reconsideration of the Board's denial. The Board proposes to deny the request.

Under the Oklahoma Nursing Practice Act, the Board is authorized to regulate and control "[t]he education, certification and licensure of . . . nurses . . . and the practice of . . . nursing . . . in this state[.]" 59 O.S.2011, § 567.2(A). The Act authorizes the Board to impose discipline when an applicant "is guilty of deceit or material misrepresentation in procuring or attempting to procure" a license. 59 O.S.Supp.2017, §§ 567.5(A), 567.8(B)(1)(a). "Deceit or material misrepresentation" includes any "false representation of facts in connection with an application for licensure." OAC 485:10-11-1(b)(1)(A). The Board may reasonably believe that the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that this action advances the State's policy to protect public health, safety, and welfare by ensuring that licensure applicants are truthful.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL